

[RULE 6B WALK-ON]

County Council of Cuyahoga County, Ohio

Ordinance No. O2020-0013

Sponsored by: <b>County Executive Budish</b>	<b>An Uncodified Ordinance</b> requiring face coverings in public spaces to limit the spread of COVID-19, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported over 2,545,250 cases of COVID-19 in the United States, resulting in over 126,369 deaths; and

WHEREAS, on March 9, 2020, the Ohio Department of Health announced confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that may affect the health, safety and welfare of the citizens of Ohio; and

WHEREAS, on that same date, Governor Mike DeWine declared a state of emergency for the entire State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19, and to assist in protecting the lives, safety, and health of the citizens of Ohio; and

WHEREAS, COVID-19 endangers the lives of the citizens of Cuyahoga County, creating an emergency to life and public safety and disrupting commerce; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread is possible before an individual may show symptoms; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor, Mike DeWine, Ohio Department of Health Director, Amy Acton, M.D. issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19 until April 6, 2020 and the order was extended until May 1, 2020 and has been since amended on April 30, May 20 and May 22, 2020 to allow businesses to open with the recommendation that facial coverings be worn except in certain circumstances; and

WHEREAS, on March 11, 2020, County Executive Armond Budish declared a State of Emergency within Cuyahoga County due to the spread of COVID-19; and

WHEREAS, as businesses have re-opened, more people are traveling throughout the state, and within Cuyahoga County; and

WHEREAS, a local and statewide state of emergency continues to exist with limits on mass gatherings and recommendations of social distancing; and

WHEREAS, as a result of the above described emergency there is a continuing need to protect all citizens and guests of Cuyahoga County from the risks relating to the COVID-19 pandemic; and

WHEREAS, the CDC recommends wearing face coverings in public where other physical distancing measures are difficult to maintain to help prevent the spread of COVID-19 from asymptomatic or unknowing carriers to others; and

WHEREAS, the Cuyahoga County Health Commissioner supports this Ordinance as best practice as intervention to attempt to control the spread of COVID-19; and

WHEREAS, as of this date, Cuyahoga County has been designated by the State of Ohio Public Health Advisory System Risk Level as Level 3 for COVID-19, characterized by very high exposure and spread with a recommendation to limit activities as much as possible; and

WHEREAS, requiring face coverings to be worn by any person in a public place within the Cuyahoga County best promotes health and safety, and efforts to limit the spread of COVID-19 while enabling the continuation of essential services, businesses, and travel necessary to protect public health and safety, and for the continuity of social and commercial life during the state of emergency; and

WHEREAS, after weighing the known information about the COVID-19 virus, consulting with Cuyahoga County Board of Health, and considering the guidance from the Ohio Department of Health, this Council concludes that the safety of Cuyahoga County citizens is best protected by implementing a requirement to wear face coverings in public places as set forth herein; and

WHEREAS, by virtue of its authority under Article X, Section 3 of the Ohio Constitution and its authority under the Charter of Cuyahoga County, this Council finds it is necessary that this Ordinance become immediately effective in order to protect the health, safety, and welfare of the citizens of Cuyahoga County.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** In an effort to reduce the spread of COVID-19 within Cuyahoga County, all persons are required to wear a face covering when within the

jurisdictional limits of Cuyahoga County including, without limitation: i) in any outdoor public space when a person is unable to maintain physical separation of not less than six feet from others who are not members of the person's household; ii) when in indoor areas accessible and open to the public and while waiting in line to enter such areas when it is not possible to maintain physical separation of not less than six feet from others who are not members of the person's household, and iii) in any public transportation such as a bus or other public transit vehicle and any ride-share vehicle or vehicle for hire and while waiting for any public transportation when it is not possible to maintain physical separation of not less than six feet from others who are not members of the person's household. For purposes of this Ordinance, "face covering" includes a cloth or fabric covering specifically designed for the purpose of covering the individual's face and mouth, or a transparent shield that covers the individual's face from a point above the eyes to below the chin.

**SECTION 2.** Section 1 of this ordinance does not apply:

- a. to persons under the age of six;
- b. to persons with a medical condition or developmental disability that prevents them from wearing a face covering;
- c. to religious facilities;
- d. to restaurant and bar patrons while seated at his or her table or at the bar while eating or drinking;
- e. to individuals in a school setting in compliance with any regulations or requirements of a school district;
- f. in settings where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments, or while swimming;
- g. when walking or exercising outdoors so long as physical separation of not less than six feet is maintained, or while walking or exercising outdoors with other members of the same household;
- h. while actually engaged in exercising in a gym or other similar indoor facility so long as physical separation of not less than six feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising;
- i. when an individual is in his or her work office, conference room, or other workspace not intended for use by the general public;
- j. when inside a personal or commercial vehicle either parked or moving that is not a vehicle being used for public transit;
- k. to individuals while acting in their official capacity as a public safety employee or emergency responder when wearing a face covering would interfere with or limit their ability to carry out their official duties or functions, including peace officers, firefighters, and other public safety or emergency medical personnel that support public safety operations; and
- l. to individuals complying with the directions of public safety employees or emergency responders as described in "k".

**SECTION 3.** A violation of this Ordinance is a civil infraction. The County Sheriff is hereby authorized to issue civil citations for a violation of this Ordinance. Any person found in violation of this ordinance shall be subject to a written warning on the first violation and a civil penalty of \$50.00 for a second and each subsequent violation.

**SECTION 4.** Any civil penalty under this Ordinance may be appealed by the individual to the Cuyahoga County Administrative Rules Board established under Chapter 113 of the Cuyahoga County Code (“Administrative Rules Board”). The Administrative Rules Board may establish rules and procedures for adjudicating any such appeal. Any determination of the Administrative Rules Board may be appealed to the Cuyahoga Court of Common Pleas pursuant to Chapter 2506 of the Ohio Revised Code.

**SECTION 5.** Any municipality within the County may “opt out” of this Ordinance by appropriate legislation declaring the intent that this Ordinance shall not be effective within the municipality’s jurisdiction. This Ordinance is not intended to supersede nor replace any similar regulation enacted by any municipality within the County. In the event any municipality within the County enacts legislation related to wearing face coverings, the municipality’s legislation shall prevail.

**SECTION 6.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law. Unless otherwise extended, this Ordinance shall expire on the earlier of a determination that the emergency no longer exists, as determined by the Cuyahoga County Health Commissioner or December 30, 2020.

**SECTION 7.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Uncodified Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

In accordance with Rule 6B of the Rules of Council, legislation was added to the agenda by parliamentary motion: July 7, 2020

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2020